

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: § CASE NUMBER: 18-42230
GEORGE DALE WIGINGTON §
dba WYLIE INDUSTRIES §
dba WYLIE INVESTMENT GROUP, §
Debtor CHAPTER 13

GEORGE DALE WIGINGTON,
Plaintiff

v.

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER and SELECT PORTFOLIO
SERVICING, INC.,
Defendants

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ADVERSARY NO. 19-04074

AMENDED JUDGMENT
[DOCKET NOS. 70]

This Court conducted a hearing on Plaintiff's Motion to Alter or Amend Judgement filed by Debtor George Dale Wigington (Docket No. 70), and the response filed by Defendant Nationstar Mortgage LLC dba Mr. Cooper ("Mr. Cooper" or "Nationstar") on September 8, 2020. On consideration of the pleadings and oral argument of Plaintiff George Dale Wigington, counsel for Mr. Cooper, and counsel for Select Portfolio Servicing, Inc. ("SPS"), it is

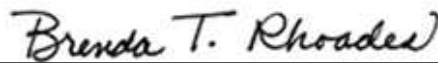
ORDERED that with respect to Plaintiff's Motion to Alter or Amend Judgement, the Memorandum Opinion dated August 10, 2020 remains unaltered except as modified herein; and it is further

ORDERED that the motion to dismiss by Nationstar (Docket No. 49) and SPS (Docket No. 34) are **GRANTED** and each and every cause of action seeking affirmative relief and damages, and each and every cause of action seeking lien avoidance or release in Mr.

Wigington's amended complaint against Nationstar and SPS is **DISMISSED** pursuant to Federal Rule 12(b)(6) with prejudice to amendment except as set forth herein; and it is further

ORDERED that not later than September 15, 2020, Mr. Wigington may file an amended objection to the proof of claim filed by Nationstar and assigned to SPS that sets forth his objections, if any, to the calculation of the amount set forth in the proof of claim, and may additionally amend his complaint against Nationstar for any causes of action limited to allegations regarding noticing acceleration, noticing foreclosure sales, or appointing or noticing appointment of substitute trustees in violation of the note or deed of trust, or applicable law. SPS and Nationstar may file a response to any amended complaint within 30 days after it is filed.

Signed on 9/14/2020



SR

HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

/s/ H. Gray Burks, IV

H. Gray Burks, IV

State Bar No. 03418320

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Attorney for Nationstar Mortgage, LLC d/b/a Mr. Cooper

Certificate of Notice Page 3 of 3

United States Bankruptcy Court
Eastern District of TexasWigington,
Plaintiff

Adv. Proc. No. 19-04074-btr

NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER,
Defendant**CERTIFICATE OF NOTICE**

District/off: 0540-4

User: admin
Form ID: pdf400Page 1 of 1
Total Noticed: 10

Date Rcvd: Sep 14, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 16, 2020.

db +George Dale Wigington, 2451 Elm Grove Road, Wylie, TX 75098-6239
ust +Cheryl Wilcoxson, Office of the United States Trustee, 1100 Commerce St. Room 976,
Dallas, TX 75242-0996
ust +Christi Flanagan, Office of the United States Trustee, 1100 Commerce St. Room 976,
Dallas, TX 75242-0996
ust +Quinten Spaete, Bank of America, 16001 N Dallas Pkwy, Addison, TX 75001-3311
pla +George Dale Wigington, 2451 Elm Grove Road, Wylie, TX 75098, UNITED STATES 75098-6239
dft NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, c/o Coporation Service Company,
211 E. 7th Street, Suite 620, Austin, TX 78701-3218
dft Select Portfolio Servicing, Inc., c/o Coporation Service Company, 211 E. 7th Street,
Suite 620, Austin, TX 78701-3218

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

ust +E-mail/Text: ustpreion07.hu.ecf@usdoj.gov Sep 15 2020 04:14:52 US Trustee,
Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust +E-mail/Text: ustpreion06.ty.ecf@usdoj.gov Sep 15 2020 04:14:51 US Trustee,
Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust +E-mail/Text: ustpreion06.da.ecf@usdoj.gov Sep 15 2020 04:14:51 United States Trustee,
1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

ust* +United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust* +United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 16, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 14, 2020 at the address(es) listed below:

George Dale Wigington on behalf of Debtor George Dale Wigington dalewig10@verizon.net
George Dale Wigington on behalf of Plaintiff George Dale Wigington dalewig10@verizon.net
H. Gray Burks, IV on behalf of Defendant NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
gburks@logs.com, nibates@logs.com
H. Gray Burks, IV on behalf of Defendant Select Portfolio Servicing, Inc. gburks@logs.com,
nibates@logs.com
Yoshie Valadez on behalf of Defendant Select Portfolio Servicing, Inc.
mhtbkanhssselfilings@mccarthyholthus.com, yvaladez@mccarthyholthus.com

TOTAL: 5